

Message Text

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62

ORIGIN TRSE-00

INFO OCT-01 EA-11 ISO-00 EB-11 L-03 RSC-01 /027 R

66606

DRAFTED BY:TRSY/OS:RPATRICK

APPROVED BY:EB/IFD/OMA:MR. KRIZAY

STATE:L/T:W MCQUADE

EB/IFD/OMA:MT MINNIES

----- 117497

R 301752Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA

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E.O. 11652: GDS

TAGS: EFIN

SUBJECT: INCOME TAX TREATY

REF: JAKARTA 12433

1. WE HAVE ASCERTAINED THAT WE CAN USE THE TERM "AGREEMENT" RATHER THAN TREATY OR CONVENTION. PLEASE ADVISE MARDANUS THAT WE WILL ACCEPT USE OF TERM "AGREEMENT" IN TITLE AND IN TEXT.

2. OUR RECOLLECTION OF FINAL TEXT FOR ARTICLE 3, SUBPARAGRAPH (1)B, WAS TO MOVE THE NATURAL RESOURCE LANGUAGE TO THE PROTOCOL. OUR COPY OF TEXT COMPARED ON LAST DAY IN JAKARTA DOES CONTAIN THE LANGUAGE WHICH GOI NOW WANTS TO DELETE. THE GEOGRAPHICAL DESCRIPTION IS MERELY TO DEFINE THE PHYSICAL TERRITORY COVERED BY THE TREATY. THE TREATY ITSELF IS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OR POLITICAL UNIT OF INDONESIA AND NOT WITH A GEOGRAPHICAL BODY OF LAND. OTHER PROVISIONS, SUCH AS ARTICLE 23, MAKE IT CLEAR THAT A GOVERNMENTAL COMMITMENT IS BEING MADE. WE COULD NOT HAVE NON-PARALLEL DEFINITIONS WHEREBY

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THE GOVERNMENT OF THE UNITED STATES AGREES WITH A PHYSICAL

DESCRIPTION OF INDONESIA. THEREFORE, WE CANNOT AGREE TO SUGGESTED
DELETIONS FROM ARTICLE 3(1)B. THE DUTCH-INDONESIAN TREATY
IS SIMPLY LESS CAREFULLY DRAFTED.

3. EMBASSY MAY OFFER ITS SERVICES TO GOI IN ENGROSSING
AGREEMENT FOR SIGNATURE AS PER 11 FAM 732. KISSINGER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 30 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: TRSY/OS:RPATRICK
Enclosure: n/a
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Handling Restrictions: n/a
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ISecure: 1
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Original Handling Restrictions: n/a
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Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 23 NOV 2001
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Review History: RELEASED <23-Nov-2001 by shawdg>; APPROVED <07 MAR 2002 by golinofr>
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EO Systematic Review
30 JUN 2005

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